

REMARKS/ARGUMENTS

Applicant is grateful for the indication that claims 1-7, 15, 16, 32 and 34 are allowable. Applicant has canceled claims 12 and 14. Applicant herewith submits arguments that the remaining unallowed claims 10, 11 and 13 do not disclose new matter.

Claim Rejection Under 35 USC §112, first paragraph

Claims 10, 11 and 13 stand rejected under 35 USC §112, first paragraph, as failing to comply with the written description requirement. Applicant respectfully traverses this rejection.

Claim 10 recites that “the at least one linking sequence is cleavable by acid digestion.” Since Claim 10 depends from Claim 1, the linking sequence must be cleavable by both acid digestion and a protease, as noted by the Examiner in her Advisory Action. The Examiner then goes on to argue that the specification teaches cleavage by either acid or a protease, but not both.

This last point is not correct. As an example, SEQ. ID No. 9 recites a 156 amino acid sequence formed as a synthetic tetramer of 34 amino acid sequence SEQ. ID No. 1 connected by linking sequences, such as Asp-Pro-Gln-Asp-Pro at residues 39-42. The linking sequences include Asp-Pro, which is explicitly recited at paragraph [0035] of the specification as cleavable by acid. In addition to this, although not explicitly recited in the specification, the N-side of Asp is well known to those skilled in the art to be enzymatically cleavable by, for example, Endoproteinase AspN. Thus, linking sequence is disclosed in the specification which is cleavable both by acid and enzymatically.

Claims 10, 11, and 13 described linking sequences are amply supported and described by the specification. However, in order to expedite prosecution, and at the Examiner’s suggestion, claim 10 has been written in independent form. Applicant respectfully requests that this objection be withdrawn and that the claims be granted.

Appl. No. 10/563,551
Amdt. dated January 28, 2010
Reply to Office Action of October 28, 2009

PATENT

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5000.

Respectfully submitted,



Annette S. Parent
Reg. No. 42,058

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 925-472-5000
Fax: 415-576-0300
ASP:ama
62401933 v1